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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,481	09/29/2003	Yuka Hasegawa	Q77735	7983
23373	7590	01/20/2006		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER ZEWDU, MELESS NMN	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,481	HASEGAWA, YUKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Meless N. Zewdu	2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on 11/10/05.
2. In response to applicant's claim of foreign priority, submitted on 11/10/05, examiner has removed the reference issued to Yamagata et al. (US 2003/0174839 A1).
3. Claims 1-19 are pending in this action

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7-9, 11, 13-15, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Seita (US 6,973,327 B2).

**As per claim 1:** Seita discloses a mobile terminal apparatus (fig. 1), comprising:

a contactless IC (integrated circuit) device (see fig. 1, block 20) for use in communicating with the external equipment by radio waves (see fig. 1, element 30; col.

3, lines 36-42), and accumulating authentication information from a higher-level apparatus (see col. 4, lines 56-65); and

control means for enabling or disabling specific functions according to information received from the external equipment through the contactless device (see col. 8, lines 60-67). The control means in the prior art is provided within the IC card, as oppose to in the mobile, as implied by the claim/applicant. Examiner treats the difference as a choice of design since the functions of the control provided in the prior art are similar to those/that of required by the claim in question.

**As per claim 2:** Seita discloses a mobile terminal apparatus wherein:

the external equipment is a reader/writer capable of reading and writing information from and to the contactless IC device (see fig. 1, elements 30 and 31).

**As per claim 3:** Yamagata teaches a mobile terminal apparatus, wherein:

the mobile apparatus has a plurality of modes in each of which the respective enable/disable state of the specified functions is set in advance (see col. 5, line 57-col. 6, line 10), the contactless IC device performs communication with the external equipment about a mode (see col. 7, lines 58-63), and control means enables or disables the specified functions according to the mode specified by the external equipment (see col. 4, line 45-col. 5, line 4; col. 8, lines 60-67).

**As per claim 5:** Seita discloses a mobile terminal apparatus wherein:

the high-level apparatus is a ticket issue server for issuing ticket information for use in authenticating an admission into an institution (see col. 4, lines 45-55).

**As per claim 7:** Seita discloses a mobile terminal system (fig. 1), comprising:

a higher-level apparatus for issuing authentication information (see col. 4, lines 45-55). Examiner considers the prior art server as a higher-level apparatus.

a mobile terminal apparatus comprising a contactless IC (integrated circuit) device (see fig. 1, element 20) for accumulating authentication information from a higher-level apparatus (see col. 4, line 56-col. 5, line 4), and control means for enabling and disabling specified functions according to information received through the contactless IC device (see col. 8, lines 60-67).

external equipment for communicating with the contactless IC device by radio waves (see fig. 1, block 30), and transmitting the information to the contactless IC device after checking the authentication information received from the contactless device (see col. 8, line 60-col. 9, line 6). The feature, "settings change" is considered as an intended use since the feature does not have supported in the body of the claim.

**As per claim 8:** the feature of claim 8 is similar to the feature of claim 2. Hence, claim 8 is rejected on the same ground as claim 2.

**As per claim 9:** the feature of claim 9 is similar to the feature of claim 3. Hence, claim 9 is rejected on the same ground and motivation as claim 3.

**As per claim 11:** the feature of claim 11 is similar to the feature of claim 5. Hence, claim 11 is rejected on the same ground as claim 5.

**As per claim 13:** the feature of claim 13 is similar to the feature of claim 7, except claim 13 is a method claim the steps of which are to be followed by the apparatus of claim 7

so as to perform a desired function. Hence, claim 13 is rejected on the same ground as claim 7.

**As per claim 14:** the feature of claim 14 is similar to the feature of claim 2. Hence, claim 14 is rejected on the same ground as claim 2.

**As per claim 15:** the feature of claim 15 is similar to the feature of claim 3. Hence, claim 15 is rejected on the same ground as claim 3.

**As per claim 17:** the feature of claim 17 is similar to the feature of claim 5. Hence, claim 17 is rejected on the same ground and motivation as claim 5.

**As per claim 19:** the claim is directed to a computer readable medium to enable the method steps of claim 7 to be performed by the apparatus/system of claim 1. Since, the prior art discloses an apparatus/system that performs similar functions, the recited computer readable medium must be inherent to the prior art system.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 10, 12, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seita as applied to claims 1, 7 and 13 above, and further in view of Slettengren et al. (Slettengren) (US 2002/0028674 A1).

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**As per claim 4:** but, Seita in view of Takae does not explicitly teach about a mobile terminal apparatus, wherein the specified functions include at least a power supply function, a sound function, a vibration function, and an offline function, as claimed by applicant. However, in a related field of endeavor, Slettengren teaches about settings changing technique (for a politeness zone managing), i.e. for controlling loud noises from wireless devices within a specified/restricted areas/zones (e.g. libraries, classrooms, theaters, etc.) using functions and mode of operations stored in a wireless device (fig. 1, elements 108) which communicates with external transmitter (see fig. 2) that enforces the politeness zone set up (see page 3, paragraphs 0028, 0035) wherein the specified politeness functions include at least a power supply function (see page 5, paragraph 0048), a sound volume function (see page 3, paragraph 0034), a vibration function (see page 3, paragraphs 0033-0034), and an offline function (see page 3, paragraph 0032). Mails routed to a voice mail are for reviewing the mails at a later time and in an offline mode. Both the above references and the later are within the same field of endeavor and are combinable. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references (Seita in view of Takae) with the teaching of Slettengren for the advantage of instituting politeness zones relating to the use of communications devices (see paragraph 0003).

**As per claim 6:** but, Seita does not explicitly teach about a higher-level apparatus, which is a certificate authority for issuing an electronic certificate, as claimed by applicant. However, in a related field of endeavor, Slettengren teaches about a terminal

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apparatus wherein, the high-level apparatus is a certificate authority for issuing an electronic certificate (see page 6, paragraph 0054; claim 31). Motivation is same as provided in the rejection of claim 4 above.

**As per claim 10:** Seita in view of Takae teaches about a mobile terminal settings changing system, as discussed in the rejection of claim 7 above. But, the references fail to explicitly teach the specified functions that include at least a power supply function, a sound function, a vibration function, and an offline function, as claimed by applicant. However, in a related field of endeavor, Slettengren teaches about a politeness zone technique for controlling loud noises from wireless devices within a specified/restricted areas/zones (e.g. libraries, classrooms, theaters, etc.) using functions and mode of operations stored in a wireless device (fig. 1, elements 108) which communicates with external transmitter (see fig. 2) that enforces the politeness zone set up (see page 3, paragraphs 0028, 0035) wherein the specified politeness functions include at least a power supply function (see page 5, paragraph 0048), a sound volume function (see page 3, paragraph 0034), a vibration function (see page 3, paragraphs 0033-0034), and an offline function (see page 3, paragraph 0032). Mails routed to a voice mail are for reviewing the mails at a later time and in an offline mode. Both the above references and the later are within the same field of endeavor and are combinable. Features of claim 10 are similar to the features of claim 4. Hence, motivation is same as provided in the rejection of claim 4.

**As per claim 12:** the feature of claim 12 is similar to the feature of claim 6. Hence, claim 18 is rejected on the same ground as claim 6.



**As per claim 16:** Seita in view of Takae teaches about a mobile terminal settings changing method, as discussed in the rejection of claim 13 above. But, the references fail to explicitly teach the specified functions that include at least a power supply function, a sound function, a vibration function, and an offline function, as claimed by applicant. However, in a related field of endeavor, Slettengren teaches about a politeness zone technique for controlling loud noises from wireless devices within a specified/restricted areas/zones (e.g. libraries, classrooms, theaters, etc.) using functions and mode of operations stored in a wireless device (fig. 1, elements 108) which communicates with external transmitter (see fig. 2) that enforces the politeness zone set up (see page 3, paragraphs 0028, 0035) wherein the specified politeness functions include at least a power supply function (see page 5, paragraph 0048), a sound volume function (see page 3, paragraph 0034), a vibration function (see page 3, paragraphs 0033-0034), and an offline function (see page 3, paragraph 0032). Mails routed to a voice mail are for reviewing the mails at a later time and in an offline mode. Both the above references and the later are within the same field of endeavor and are combinable. Features of claim 16 are similar to the features of claim 4. Hence, motivation is same as provided in the rejection of claim 4.

**As per claim 18:** the feature of claim 18 is similar to the feature of claim 6. Hence, claim 18 is rejected on the same ground and motivation as claim 6.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless Zewdu M.Z.

Examiner

10 January 2005.

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600